HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.29667 of 1998

Dated 14th day of March, 2007

Between:

P. Ramakrishna Reddy ..
Petitioner

And

The Mandal Revenue Officer,
Madanapalle, Chittoor District
and four others ..
Respondents

-
-
-

O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the respondent 1 and 2 in trying to auction the petitioner's B.P.L. Colour T.V. Set towards the alleged arrears of revenue without the District Collector-3rd respondent deciding the liability to pay the arrears as ordered in W.P.No.15805 of 1997 dated 28.11.1997, as arbitrary and illegal.

The brief facts of the case are that one Jayaraj filed W.P.No.15805 of 1997 seeking a direction to the District Collector, Chittoor to recover the terminal benefits of Subba Reddy, who is the deceased-father of the petitioner, and this Court by its order dated 28.11.1997, directed the District Collector to decide the legal heirs of Subba Reddy and initiate recovery proceedings against them. The 3rd respondent-District Collector has not yet decided the liability on the petitioner. Now, the grievance of the petitioner is that the 1st respondent issued notice authorizing the Mandal Revenue Inspector to remove the petitioner's B.P.L. Colour T.V. from his house and also issued Form No.3 notice dated 4.10.1998 to the effect TV would be sold on 22.10.1998.

Heard the learned counsel for both the parties.

The learned Government Pleader for Revenue filed a detailed counter affidavit, wherein it is stated that the Collector has fixed the entire liability at Rs.17,312.41 and he recovered an amount of Rs.11,916/- from other legal heirs of Subba Reddy and the petitioner also agreed to pay an amount of Rs.3,815/-.

The main contention of the learned counsel for the petitioner is

that this Court, while disposing of W.P.No.15805 of 1997 instituted by Jaya Raj, who is the 5th respondent herein, clearly directed the Collector to issue notices to all concerned including the petitioner herein and recover the amounts from Subba Reddy in the hands of any of his legal heirs, but the District Collector without fixing the liability on the petitioner fixed the entire liability at Rs.17,312.41 which is not in consonance with the orders passed by this Court in that writ petition. No doubt, it is true that the liability fixed at Rs.17,312.41 as mentioned in the counter affidavit is not in terms of the orders passed by this court. However, as it is stated in the counter affidavit that the District Collector has recovered an amount of Rs.11,196/- from other legal heirs, and the petitioner too agreed to pay an amount of Rs.3,815/-, this Court is of the view that it will be a futile exercise again to direct the Collector to fix up the liability on the petitioner.

Hence, this Court deems it appropriate to direct the 3rd respondent-District Collector to recover only an amount of Rs.3815/- as agreed upon by the petitioner.

With the above direction, this writ petition is disposed of. No costs.

_____

14.03.2007

bcj